

KAS:

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ANSELMO MENDEZ-MADRID

CRIMINAL COMPLAINT

Case Number: 11-MJ-42 (JSG)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 11, 2010, in Nobles County, in the State and District of Minnesota, defendant, an alien who has previously been removed from the United States subsequent to a conviction for an aggravated felony, knowingly and unlawfully re-entered and was found in the United States without having obtained the consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States,

in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

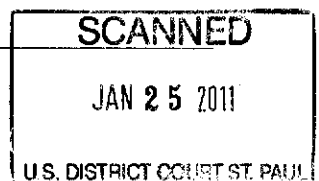
Sworn to before me, and subscribed in my presence,

1/25/11  
Date  
The Honorable Jeanne J. Graham  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

Dustin Halverson  
Signature of Complainant  
Dustin Halverson  
ICE

at St. Paul, MN

J. Graham  
Signature of Judicial Officer



11- MJ-42 (JJG)

**STATE OF MINNESOTA )**  
**) ss. AFFIDAVIT OF Dustin Halverson**  
**COUNTY OF RAMSEY )**

Dustin Halverson, being duly sworn, deposes and states as follows:

1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. In August 2009, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about December 11, 2010, in Nobles County, in the State and District of Minnesota, Anselmo MENDEZ-Madrid unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that MENDEZ-Madrid's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code,

Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.


5. On December 11, 2010, MENDEZ-Madrid was located and arrested in Nobles County, in the State and District of Minnesota, by members of the Worthington Police Department. MENDEZ-Madrid was arrested for Riot – 3<sup>rd</sup> Degree, Unlawful Assembly, and Disorderly Conduct.
6. On December 13, 2010, MENDEZ-Madrid was encountered by an ICE Deportation Officer in the Nobles County Jail. On January 19, 2011, MENDEZ-Madrid was turned over to ICE custody.
7. On or about April 9, 1997, MENDEZ-Madrid was convicted under the name Anselmo Mendez of the felony offense of Attempted Murder, in the Superior Court of California, County of Fresno, in violation of California Penal Code Sections 664 and 187. MENDEZ-Madrid was sentenced to 9 years imprisonment.
8. MENDEZ-Madrid's immigration file indicates that he has been previously arrested and removed from the United States on or about August 4, 2004, through the Chandler, Arizona port of entry.
9. Law enforcement has confirmed through fingerprints and photographs contained in MENDEZ-Madrid's criminal history and immigration file that the individual named Anselmo MENDEZ-Madrid, who uses the alias Anselmo Mendez, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on December 11, 2010 by the Worthington Police Department.
10. My investigation has revealed that MENDEZ-Madrid is a citizen and national of El

Salvador who makes no claim to United States citizenship or lawful permanent residence status in the United States.

11. MENDEZ-Madrid has admitted that since his removal from the United States on August 4, 2004, that he reentered the United States without applying for, nor receiving, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative. My investigation confirms that since his removal from the United States on August 4, 2004, MENDEZ-Madrid has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

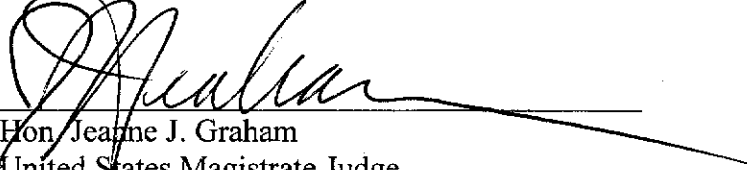
12. Based on these facts, I have reason to believe that Anselmo MENDEZ-Madrid unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

Further Your Affiant Sayeth Not.

  
Dustin Halverson, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This <sup>25<sup>th</sup></sup> day of January, 2011.

  
Hon. Jeanne J. Graham  
United States Magistrate Judge